

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3785 OF 2026

Balu Baburao Chabukswar ...Petitioner

Versus

Kalawati Vijay Agarwal And Anr ...Respondents

Mr. Sandeep Salkar, for the Petitioner.

Mr. Hamid Mulla, AGP for the State – Respondent No.2.

CORAM: N. J. JAMADAR, J.

DATED: 1st APRIL, 2026

PC:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 16th August, 2023 passed by the learned Civil Judge, whereby the *ex parte* passed against defendant No.1 was set aside.
3. The Court finds that the learned Civil Judge has ascribed justifiable reasons for setting aside the *ex parte* order against defendant No.1. In the said order, it was also noted that, the defendant No.1 had already placed on record the written statement.
4. The learned Counsel for the petitioner made a grievance that defendant No.1 has, thereafter, not been appearing and, therefore, the trial in the suit has not progressed. Attention of

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the Court was invited to the copies of the *roznama* in RCS/558/2022.

5. It appears that the defendant No.1 and his Advocate have not appeared. Suffice to clarify that, if the defendants do not appear, the trial Court has the power to pass appropriate orders in accordance with law to ensure that the suit proceeds.

6. The petition stands disposed.

[N. J. JAMADAR, J.]